

UNITED STATES DISTRICT COURT
for the

FILED
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U.S. DISTRICT COURT E.D.N.Y.

EASTERN District of NEW YORK (BROOKLYN)

MAR 24 2008



JP

United States of America

v.

JULIO A. ORTIZ

)

) Case No: CR-99-207(S-1)-03 (JG)

) USM No: 54324-053

) Bernard H. Udell, Esq. (718) 596-2410

) 16 Court Street, Suite 1004, Brooklyn, NY 11241

) Defendant's Attorney

Date of Previous Judgment: February 4, 2000
(Use Date of Last Amended Judgment if Applicable)

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of One-hundred and thirty-five (135) months is reduced to TIME SERVED.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level:	<u>33</u>	Amended Offense Level:	<u>31</u>
Criminal History Category:	<u>I</u>	Criminal History Category:	<u>I</u>
Previous Guideline Range:	<u>135</u> to <u>168</u> months	Amended Guideline Range:	<u>108</u> to <u>135</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain):

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 2/4/2000 shall remain in effect.

IT IS SO ORDERED.

Order Date: March 21, 2008

s/John Gleeson

Judge's signature

Effective Date: March 21, 2008
(if different from order date)

✓ JOHN GLEESON, U.S.D.J.

Printed name and title